

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**VINTAGE AND VOGUE, LLC and
I DO AND I'M DONE, LLC,
Plaintiffs,**

VS.

**TRAVELERS CASUALTY
INSURANCE COMPANY OF
AMERICA,
Defendant.**

CIVIL ACTION FILE NO.

NOTICE OF REMOVAL

COME NOW Defendant in the above-styled action and petition for removal of the action herein referred from the Superior Court of Fulton County, Georgia, to the United States District Court for the Northern District of Georgia, and respectfully show the Court the following:

1.

Petitioner is a Defendant in a civil action brought against it in the Superior Court of Fulton County, Georgia, and styled Vintage and Vogue, LLC and I Do and I'm Done, LLC v. Travelers Casualty Insurance Company of America, Civil Action File No. 2016CV274831, now pending in said court. A copy of the Summons and Complaint in that action are attached hereto, marked Exhibit "A",

and made a part hereof. A copy of the Answer filed by Defendant in that action is attached hereto, marked Exhibit “B” and made a part hereof.

2.

Said action was commenced by service of process consisting of said Summons and Statement of Claim upon the Defendant through its registered agent on May 12, 2016. The attached Summons, Complaint, and Answer constitute all pleadings that have been filed in said Superior Court of Fulton County. This Petition is timely filed within thirty (30) days of such service.

3.

There is diversity of citizenship among the parties. This is a controversy between Plaintiffs, resident entities of Georgia and Defendant Travelers Casualty Insurance Company of America, a Connecticut corporation. The Defendant is not a citizen of the State of Georgia wherein this action was brought.

4.

The amount of controversy, as pled by Plaintiffs, exceeds Seventy-Five Thousand Dollars (\$75,000), exclusive of interest and costs. The Complaint prays for \$65,892.00 in compensatory lost profit damages and, additionally, claims additional damages in the amount of 50% of the total lost profits as a bad faith claim. Georgia Federal Courts have held that if the plaintiff specifically seeks the

maximum 50% for bad faith penalties, the 50% of the damages can be used to meet the amount in controversy. Estate of Thornton v. Unum Life Ins. Co. of Am., 445 F.Supp.2d 1379 (N.D. Ga. 2006). Thus, the total amount in controversy in the case at bar is reached by adding the alleged damages (\$65,892.00) and 50% of this claimed loss as the maximum bad faith recovery (\$32,946.00), to arrive at a total contested amount of \$98,838.00. Because \$98,838.00 exceeds \$75,000.00, and this is a civil action brought in the Superior Court for which this United States District Court has original jurisdiction due to diversity of citizenship, removal to this Court is proper under Section 1332 of Title 28 of the United States Code.

5.

Defendant has given written notice of the filing of the Notice of Removal to Plaintiffs and to the Clerk of the Superior Court of Fulton County in proper accordance with Section 1446(d), Title 28 of the United States Code. A copy of the Notice of Removal is attached hereto as Exhibit "C".

WHEREFORE, Defendant prays that this petition be filed and that said action be removed to and proceed in this Court, and that no further proceedings be had in said case in the Superior Court of Fulton County, Georgia.

This 13th day of June, 2016.

Respectfully submitted,

/s/ Karen K. Karabinos

Karen K. Karabinos
Georgia Bar No. 423906

Attorney for the Defendant

880 West Peachtree Street
P.O. Box 7600
Atlanta, GA 30357
(office): (404) 885-1400
(fax): (404) 876-0992

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day electronically filed this Certificate of Service of Notice of Removal. I have retained the originals and delivered a true and correct copy upon all parties to this matter by depositing copies of Defendant's **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following counsel of record:

SMITH, COLLINS & FLETCHER, P.A.
W. Anthony Collins, Jr.
Maud A. Pinter
Anthony@SCandF.com

FURTHERMORE, I HEREBY CERTIFY that I have this day served a copy of the within and foregoing Notice of Removal to Federal Court upon all parties to this matter by depositing a true and correct copy of the same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows:

SMITH, COLLINS & FLETCHER, P.A.
W. Anthony Collins Jr.
Maud A. Pinter
8565 Dunwoody Place
Building 15, Suite B
Atlanta, GA 30350

This 13th day of June, 2016.

/s/ Karen K. Karabinos
Karen K. Karabinos
Counsel for Defendant

880 West Peachtree Street
P.O. Box 7600
Atlanta, GA 30357
Phone: (404) 885-1400
Fax: (404) 876-0992

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